

MINUTES OF REGULAR MEETING HELD BY THE BOARD OF TRUSTEES OF THE VILLAGE OF QUOGUE, 7 VILLAGE LANE, QUOGUE, NEW YORK, ON WEDNESDAY, FEBRUARY 15, 2012 AT 4:00 P.M.

PRESENT: Mayor Peter S. Sartorius, Trustees Randy Cardo, Jeanette Obser and Ted Necarsulmer, Village Attorney Richard E. DePetris and Village Clerk Marcia Rose Koziarz.

ABSENT: Trustee Kimberley Payne

OTHERS PRESENT: Police Chief Robert Coughlan, Chief Building Inspector Bill Nowak, Fire Chief Tim Shea, Christopher Osborne, Kittric Motz, Marilyn DiCarlo, Dick Gardner, Frances Ryan, Ambrose Carr, Jr., Bruce Davidson and Erin McKinley of The Southampton Press.

The Mayor invited everyone to join him in the Pledge of Allegiance.

Upon motion made Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the minutes of regular meeting held on January 20, 2012 are hereby approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, the Abstract of Audited Vouchers Schedule 02-12, \$199,799.57 and Treasurer's Report for the Month ending January 31, 2012 are hereby approved as follows:

\$ 102,650.19 Checking Account  
\$6,079,151.63 Investments  
\$6,181,801.82 Total General Fund 01/31/12

The Clerk gave the report for January 2012 False Fire and Burglar Alarms as follows:

Burglar Billed: \$50.00; Burglar Collected: \$300.00  
Fire Billed: \$750.00; Fire Collected: \$0

Fire Department Chief Tim Shea gave the report for the Fire Department. Chief Building Inspector William Nowak gave the report for the Building Department. Police Chief Robert Coughlan gave the report for the Police Department.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a donation to the Police Department in the amount of \$100.00 from the Martin and Florence Rothman Donor Advised Fund of the Endowment Foundation of Jewish Federation of Northern New Jersey (recommended by Janet and William Rothman) to be funded into revenue account A2705 (Donations) is hereby accepted.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a budget transfer in the amount of \$100.00 from A2705 (Donations) into A3120.416 (Police Supplies-Misc) is hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a donation in the amount of \$1,200.00 from Robert and Carol Antler to be funded into A2705 (Donations) for the purchase of a memorial bench and approve a budget transfer from A2705 (Donations) to A7110.443 (Parks-Improvements & Maintenance) is hereby accepted.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the following budget transfers to A3410.443 (Fire Department Building-Improvements & Maintenance), to cover the cost of improvements to the upstairs meeting and recreation room, are hereby approved as follows:

\$1,000 from A3410.160 (Facility Man. Personal Services)

\$1,000 from A3410.416 (Supplies-Misc.)

\$1,500 from A3410.460 (Misc/Equipment Testing)

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the March meeting of the Board of Trustees is hereby approved to be held on Monday, March 19, 2012 at 10:30 AM.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the deletion of a 70 kilowatt Kohler generator from the Fire Department Fixed Asset inventory listing is hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a budget transfer in the amount of \$2,135.40 from A1990.400 (Special Items-Contingent Account) to A3410.443 (Fire Department-Building Improvements & Maintenance) for the purchase and installation of storm shutters to protect the Fire Department radio room (emergency preparedness) is hereby approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED, a budget transfer in the amount of \$1,000.00 from A7180.490 (Beach-Misc Expenses) to A7180.411 (Beach-Supplies) for the purchase of beach stickers for the 2012-2013 summer beach parking for residents is hereby approved.

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, a budget transfer in the amount of \$20,000.00 from A1990.400 (Contingency) to A1420.420 (Law/Contractual) to cover legal fees to the end of the 2011-12 fiscal year is hereby approved.

Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the Audit Engagement Letter for the audit of financial statements from Lundy & Company, CPA's, P.C. for the year ending May 31, 2012 is hereby approved.

Upon motion made by Randy Cardo, seconded Ted Necarsulmer and unanimously carried, it was RESOLVED, payment for a refund of duplicate tax payments is hereby approved as follows:

|          |             |                           |
|----------|-------------|---------------------------|
| 3-2-22.1 | \$ 1,447.65 | Corelogic Tax Services    |
| 3-4-72   | \$ 966.10   | Corelogic Tax Services    |
| 4-1-58   | \$ 1,856.82 | Corelogic Tax Services    |
| 5-1-31   | \$16,014.77 | Wells Fargo Home Mortgage |

Upon motion made by Jeanette Obser, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the request from Christy Murray of the Quogue Historical Society to hold an art show at the Historical Society Museum and Village Green properties on August 11, 2012 from 10:00 AM to 4:00 PM is hereby approved.

Upon motion made by Randy Cardo, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the design of the proposed house at Weathervane property (Unit No. 3) is hereby approved as presented.



Upon motion made by Ted Necarsulmer, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the application from Steven Wechsler for a catwalk and dock at 6 Winnebogue Lane, SCTM#7-1-55.6, is hereby approved.

The Mayor opened the Public Hearing on proposed Local Law entitled "A Local Law Authorizing a Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c", as introduced at the January 20, 2012 Board of Trustees meeting. After discussion and with no comments from the public, the public hearing was closed at 4:19 P.M. Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the proposed Local Law entitled, "A Local Law Authorizing A Property Tax Levy in Excess Of The Limit Established In General Municipal Law §3-c" is hereby enacted as Local Law #1 of 2012. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius: Voting Aye  
Trustee Cardo: Voting Aye  
Trustee Obser: Voting Aye  
Trustee Necarsulmer: Voting Aye

#### Local Law No. 1 of 2012

#### A Local Law Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c

##### Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Quogue to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

##### Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

##### Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Quogue is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

##### Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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The Mayor opened the Public Hearing on proposed Local Law entitled "A Local Law Amending §103-3 Of The Village Code With Respect To Use and Placement Of Refuse Or Garbage Containers" as introduced at the January 20, 2012 Board of Trustees meeting. After discussion and with no comments from the public, the public hearing was closed at 4:22 P.M. Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the proposed Local Law that the Board of Trustees hereby finds and determines that the proposed local law entitled "A Local Law Amending §103-3 Of The Village Code With Respect To Use and Placement Of Refuse Or Garbage Containers" will not have a significant adverse impact on the environment, and RESOLVED, the proposed Local Law entitled, "A Local Law Amending §103-3 Of The Village Code With Respect To Use and Placement Of Refuse Or Garbage Containers" is hereby enacted as Local Law #2 of 2012. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius: Voting Aye

Trustee Cardo: Voting Aye

Trustee Obser: Voting Aye

Trustee Necarsulmer: Voting Aye

Local Law No. 2 of 2012

A Local Law Amending §103-3 Of The  
Village Code With Respect To Use And  
Placement Of Refuse Or Garbage Containers

Section 1. §103-3 is hereby amended to read as follows:

§103-3. Use and placement of containers.

A. No person shall place any refuse or garbage upon any private property, whether owned by such person or not, within the Village of Quogue, except that it be in durable containers suitable for collection by refuse collectors.

B. No person shall place any such refuse or garbage containers outside of a building unless such containers are located behind the front wall of the building which is nearest to the street upon which the private property is located and are screened from visibility from the street, except as otherwise provided in subsection C.

C. On the day of a scheduled collection of such refuse or garbage, such containers may be placed outside of a building for collection without complying with subsection B, provided that such containers are placed as close as reasonably practical to the house, garage or other building. Such containers shall be removed from the location permitted by this subsection C by the end of the day of collection.

D. No such containers shall be placed upon any public or private street, except such as may be placed thereon by the Village of Quogue for public purposes.



Section 2. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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The Mayor opened the Public Hearing on proposed Local Law entitled "A Local Law Amending §196-13(11)(a) Of The Village Code With Respect To Basketball Hoops And Backstops" as introduced at the January 20, 2012 Board of Trustees meeting. Marilyn DiCarlo spoke to clarify where the location of the basketball hoops should be. Kittric Motz spoke in support of the proposed local law. With no further comments, the public hearing was closed at 4:24 P.M. Upon motion made by Mayor Sartorius, seconded by Ted Necarsulmer and unanimously carried, it was RESOLVED, the proposed Local Law that the Board of Trustees hereby finds and determines that the proposed local law entitled "A Local Law Amending §196-13(11)(a) Of The Village Code With Respect To Basketball Hoops and Backstops" will not have a significant adverse impact on the environment, and RESOLVED, the proposed Local Law entitled, "A Local Law Amending §196-13(11)(a) Of The Village Code With Respect To Basketball Hoops and Backstops" is hereby enacted as Local Law #3 of 2012. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius: Voting Aye  
Trustee Cardo: Voting Aye  
Trustee Obser: Voting Aye  
Trustee Necarsulmer: Voting Aye

Local Law No. 3 of 2012

A Local Law Amending §196-13B(11)(a)  
Of The Village Code With Respect To  
Basketball Hoops And Backstops

Section 1. §196-13B(11)(a) is hereby amended to read as follows:

(a) If attached to a building (the dwelling or an accessory building) or a detached supporting structure (such as a pole) in a manner designed to utilize part of the driveway associated with a building as a playing surface, the driveway associated with a building may be utilized as a playing surface for the accessory basketball activity, and such driveway surface need not comply with setback requirements applicable to accessory structures.

Section 2. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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With no further business to discuss and upon motion made by Ted Necarsulmer, seconded by Jeanette Obser and unanimously carried, the meeting was adjourned at 4:26 P.M.

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Marcia Rose Koziarz, Village Clerk